



Attorney's Docket No. 1033275-000487

Patent

*Dkt 1*  
*2/10*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )

Peter FLOHR et al. )

Group Art Unit: Unassigned

Application No.: 11/586,816 )

Examiner: Unassigned

Filed: July 20, 2006 )

Confirmation No.: 9010

For: PREMIXING BURNER )  
ARRANGEMENT FOR OPERATING )  
A COMBUSTION CHAMBER AND )  
METHOD FOR OPERATING A )  
COMBUSTION CHAMBER )

**PETITION FOR FILING APPLICATION BY LESS THAN  
ALL OF THE INVENTORS PURSUANT TO 37 C.F.R. §1.47(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby submit this Petition to the Commissioner to accept the filing of the above-identified patent application by less than all of the joint inventors pursuant to 37 C.F.R. §1.47(a).

The joint inventors of this application are Peter Flohr and Christian Oliver Paschereit. It is requested that co-inventor Peter Flohr be permitted to make a declaration of inventorship in connection with the above identified U.S. patent application on behalf of Christian Oliver Paschereit for the following reasons.

Joint inventor Christian Oliver Paschereit has refused to sign the Declaration.

**OATH OR DECLARATION BY ALL AVAILABLE INVENTORS**

The other inventor, Peter Flohr has signed the Declaration and a copy of the partially executed Declaration is enclosed. Please accept the attached Declaration as being made on behalf of the non-signing inventor. See, e.g., 37 C.F.R. §1.64.

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**IDENTIFICATION OF NON-SIGNING INVENTOR AND LAST KNOWN ADDRESS**

Christian Oliver Paschereit is the only non-signing inventor and his last known mailing address is as follows:

Herr Prof. Dr. Christian Oliver Paschereit  
Lohengrinstrasse 29  
D-14109 Berlin  
Germany

**PROOF OF UNAVAILABILITY OR REFUSAL**

Applicants submit herewith a Declaration of Facts by Annett Fabian and a Declaration of Facts by Yvonne Egger in support of this Petition. It is respectfully submitted that the Declarations and Exhibits attached thereto establish: (1) Christian Oliver Paschereit has made an express oral refusal to execute formal papers for applications which are presented to him for execution by ALSTOM Technology Ltd; and (2) that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to Christian Oliver Paschereit for his signature, but he has not returned the executed Declaration.

**RELIEF REQUESTED AND CONCLUSION**

In light of the above, Applicants request that the present application be accepted as complete pursuant to 37 C.F.R. §1.47. To the extent that it is determined that relief is inappropriate pursuant to 37 C.F.R. §1.47, Applicants hereby request that this Petition be considered under 37 C.F.R. §§1.181, 1.182 and/or 1.183.

The Petition fee pursuant to 37 C.F.R. § 1.17(g) is submitted herewith.

Should this petition be considered insufficient, or the relief requested not be granted for any reason, Applicants respectfully request that this be considered a *bona fide* attempt to respond to the notice to file missing parts of August 28, 2006, and that Applicants be permitted an opportunity to supplement this response and Petition.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment to Deposit Account No. 02-4800.

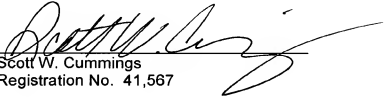
Any questions regarding this Petition should be directed to the undersigned at the telephone number set forth below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: December 1, 2006

By:

  
Scott W. Cummings  
Registration No. 41,567

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILIZATION OF DESIGN PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PREMIXING BURNER ARRANGEMENT FOR OPERATING A COMBUSTION  
CHAMBER IN ADDITION TO A METHOD FOR OPERATING A COMBUSTION  
CHAMBER**

the specification of which **(check only one item below)**:

- ☐ is attached hereto.
- ☒ was filed as United States Patent application Number  
on July 20, 2006 and was amended on \_\_\_\_\_ (if  
applicable).
- ☐ was filed as PCT International application Number \_\_\_\_\_  
on \_\_\_\_\_ and was amended on \_\_\_\_\_  
(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119 (a)-(d), 172 or 365(a) of any foreign application(s) for patent or inventor's certificate or of any international (PCT) application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international (PCT) application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §§119(a)-(d), 172 or 365(a):				
COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (MM/DD/YYYY)	PRIORITY CLAIMED UNDER 35 U.S.C. §§119, 172 OR 365(a)	
			Yes	No
Switzerland	00072/04	01/20/2004	X	

I hereby appoint the attorneys and agents associated with the following PTO Customer Number of Buchanan Ingersoll PC (including attorneys from Burns, Doane, Swecker & Mathis) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and transact all business in connection with international applications directed to said invention:

Customer Number **2 1 8 3 9**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>FULL NAME OF SOLE OR FIRST INVENTOR</b>	Peter FLOHR
Signature	<i>PFLW</i>
Date	16.8.06
Residence (City, State, Country)	Turgi, Switzerland
Citizenship	German
Mailing Address	Nelkenstrasse 7
City, State, ZIP, Country	CH-5300 Turgi, Switzerland

<b>FULL NAME SECOND INVENTOR</b>	Christian Oliver PASCHEREIT
Signature	
Date	
Residence (City, State, Country)	Berlin, Germany
Citizenship	German
Mailing Address	Lohengrinstrasse 29
City, State, ZIP, Country	D-14109 Berlin, Germany



Patent  
Attorney's Docket No. 1033275-000487

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In re Patent Application of )

Peter FLOHR et al. )

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COMBUSTION CHAMBER AND )  
METHOD FOR OPERATING A )  
COMBUSTION CHAMBER )

Group Art Unit: Unassigned

Examiner: Unassigned

Confirmation No.: 9010

**DECLARATION OF FACTS UNDER 37 C.F.R. §1.47(a) OF ANETT FABIAN**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Anett Fabian, hereby declare to the best of my recollection under penalty of perjury as follows:

1. I am an authorized agent acting on behalf of the assignee of the present application, ALSTOM Technology Ltd. I am a patent secretary in the CHTI Intellectual Property department of ALSTOM Technology Ltd.

2. Christian Oliver Paschereit, a named inventor of the above-captioned patent application, was employed by ALSTOM (Switzerland) Ltd. This patent application is assigned to ALSTOM Technology Ltd.

3. Mr. Paschereit is no longer employed by ALSTOM (Switzerland) Ltd.

4. On November 23, 2003, I had a telephone conversation with Mr. Paschereit. During our conversation, Mr. Paschereit stated to me that he would refuse to sign any kind of papers for any kind of application in the future.

5. To my knowledge, ALSTOM Technology Ltd has not received the executed Declaration for the above-identified application from Mr. Paschereit as of the date of this declaration of facts.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

2006-11-10

By:



Anett Fabian



Patent  
Attorney's Docket No. 1033275-000487

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Peter FLOHR et al. ) Group Art Unit: Unassigned  
Application No.: 11/586,816 ) Examiner: Unassigned  
Filed: July 20, 2006 ) Confirmation No.: 9010  
For: PREMIXING BURNER )  
ARRANGEMENT FOR OPERATING A )  
COMBUSTION CHAMBER AND )  
METHOD FOR OPERATING A )  
COMBUSTION CHAMBER )

**DECLARATION OF FACTS UNDER 37 C.F.R. §1.47(a) OF YVONNE EGGER**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Yvonne Egger, hereby declare to the best of my recollection under penalty of perjury as follows:

1. I am an authorized agent acting on behalf of the assignee of the present application, ALSTOM Technology Ltd. I am a patent secretary in the CHTI Intellectual Property department of ALSTOM Technology Ltd.
2. Christian Oliver Paschereit, a named inventor of the above-captioned patent application, was employed by ALSTOM (Switzerland) Ltd. This patent application is assigned to ALSTOM Technology Ltd.
3. Mr. Paschereit is no longer employed by ALSTOM (Switzerland) Ltd.
4. On July 27, 2006, I sent a letter to Mr. Paschereit at his last known address (copy attached as Exhibit #1), as well as a complete copy of the above-identified application, Declaration and Assignment. In the letter, I asked Mr. Paschereit to execute the Declaration and Assignment and return the signed



documents to ALSTOM Technology Ltd in a self-addressed, postage-paid envelope that I had also enclosed with the letter of Exhibit #1.

5. To my knowledge, ALSTOM Technology Ltd has not received the executed Declaration for the above-identified application from Mr. Paschereit as of the date of this declaration of facts.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 2006-11-10

By: 

Yvonne Egger

ALSTOM



Herr Prof. Dr.  
Christian Oliver Paschereit  
Lohengrinstrasse 29  
D-14109 Berlin

Please contact:  
Yvonne Egger

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+41 (0) 56 205 13 61

Telefax:  
+41 (0) 56 205 66 20

e-mail:  
yvonne.egger@power.alstom.com

Ihr Zeichen

Ihre Nachricht vom

Unser Zeichen (bitte wiederholen)

Datum

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B02/139-0 US

27.07.2006

## Patentanmeldung in den USA

Sehr geehrter Herr Prof. Dr. Paschereit

Für die Nachfolgeanmeldung des oben erwähnten Patents in den USA benötigen wir Ihre Unterschrift auf allen beiliegenden Formularen an den mit "X" bezeichneten Stellen.

Bitte unterschreiben Sie mit Ihrem vollen Vor- und Familiennamen (in blau) und setzen Sie das Datum ein.

Sollten Ihre Personalien nicht richtig sein, korrigieren Sie diese bitte und setzen Sie hinter die Korrektur das Datum und Ihr Visum (Kürzel). Ohne Ihr Visum wird die Korrektur vom Amt nicht akzeptiert.


Wir bitten Sie, die unterzeichneten Formulare bis zum

**27. August 2006**

an uns zurück zu senden.

Für Ihre Bemühungen danken wir Ihnen im Voraus bestens.

Mit freundlichen Grüßen

  
Yvonne Egger  
CHTI Intellectual Property

Beilagen: (Jedem Erfinder einzeln geschickt)  
- US Assignment & Combined Declaration ...  
- Anmeldetext Englisch  
- adressiertes Rückantwortkuvert

**ALSTOM Technology Ltd**

Postal address:

ALSTOM Technology Ltd  
CHTI Intellectual Property  
Bowen Bowen Str. 7/5542

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